

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

No. 04-CR-10065-MLW

UNITED STATES

v.

CLARENCE EARLE

DEFENDANT’S PROPOSED VOIR DIRE QUESTIONS

The defendant Clarence Earle moves that the Court address the following questions in its voir dire of potential jurors:

1. Some people have very strong feelings about people who allegedly come to the United States illegally. Please raise your hand if you:
 - a. Believe the penalties for such crimes are too lenient.
 - b. Would find it difficult to return a verdict of not guilty even if you believe the government failed to prove its charge beyond a reasonable doubt.
 - c. Would find it difficult to return a verdict of not guilty if you believed that the defendant had committed some crime, but not the one charged in the indictment.
2. Please raise your hand if you believe that just because someone is charged with a crime there must be something to it? In other words, where there is smoke, there is fire.
3. Have you, any member of your immediate family, or any close friends ever been employed by any police department or law enforcement agency, or any state, federal, or local

government agency? If so, would such employment affect your ability to decide this case based only on the evidence and the law?

4. Have you ever applied to any federal, state, or local law enforcement agency for a job, or do you have any current plans to apply for such a job? If so, would such employment application affect your ability to decide this case based only on the evidence and the law?
5. Would you tend to give greater credence to the testimony of a government employee because he is a government employee, rather than to testimony of any other witness?
6. Please raise your hand if you believe that the government never makes mistakes in charging people with crimes.
7. Please raise your hand if you believe that if the government goes to the trouble of bringing someone to trial, then the person is probably guilty?
8. Please raise your hand if you have any other concerns or reservations about sitting as a juror in this case or if there is anything going on in your life either at home or at work that might cause you to be distressed if you were selected to sit as a juror on this case.
9. If you were representing the government in this case, is there any reason why you would not want to have the case decided by someone with your beliefs, background, or frame of mind?
10. If you were representing Mr. Earle in this case, is there any reason why you would not want to have the case decided by someone with your beliefs, background, or frame of mind?
11. The defendant is charged by means of an indictment with being in the United States without legal permission after having been deported. An indictment is just a formal way for the government to bring these allegations before the Court. It is not evidence of guilt. Do you

have any opinions as to whether or not the defendant is guilty based on the mere fact that he is named in this indictment?

12. The defendant is presumed innocent as he sits before you here today. This means that if I were to ask you right now to render a verdict, your verdict would be not guilty. Do you have any reservations at all about your ability to presume him innocent?
13. The defendant is presumed innocent unless the government proves to each member of the jury that he is guilty beyond a reasonable doubt of the charge in the Indictment. If the government fails to convince each juror beyond a reasonable doubt, the defendant must be found not guilty. Do you question or doubt in any way your ability to accept the presumption of innocence? Do you question or doubt your ability to hold the government to its burden of proof? Would you have any hesitation in acquitting the defendant if you were not persuaded beyond a reasonable doubt that he is guilty of the charge in the Indictment?
14. Do you feel that the defendant must now come forward to prove he is not guilty because he is named in the Indictment?
15. The presumption of innocence means that the defendant does not have to prove his innocence. If the defense does not present any witnesses of its own, but relies solely on the cross-examination of Government witnesses, would you hold the defendant's silence against him? Would that cause you to conclude he is guilty?

Respectfully submitted
The defendant Clarence Earle
By his attorney

/s/ Charles W. Rankin

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